

STATE PERSONNEL BOARD AGENDA



OCTOBER 21, 2008

SACRAMENTO, CA



MEMORANDUM

DATE: October 9, 2008

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the October 21, 2008, Meeting of the State Personnel Board

PLEASE TAKE NOTICE that on October 21, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in open sessions are open to those interested in attending. Interested members of the public who wish to address the Board on an open session item may request the opportunity to do so.

Should you have questions or wish to obtain a copy of any materials related to items considered in the open sessions, please visit the SPB website at www.spb.ca.gov or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, Room 570, Sacramento, California 95814 or by calling (916) 653-1028.

Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



BOARD MEETING – OCTOBER 21, 2008 ¹

**9:00 a.m. – 12:00 p.m.
(Or upon completion of business)**

ALL TIMES ARE APPROXIMATE

Public and Closed Session Location

**801 Capitol Mall, Room 150
Sacramento, CA 95814**

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

OPEN SESSION OF THE STATE PERSONNEL BOARD

9:00 a.m.

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER**
- Suzanne M. Ambrose
3. **REPORT OF THE ACTING CHIEF COUNSEL**
- Bruce Monfross
4. **REPORT ON LEGISLATION**
- Carol Ong
5. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR NOVEMBER 3, 2008, IN SACRAMENTO, CALIFORNIA.**
6. **NEW BUSINESS**
Items may be raised by Board Members for scheduling and discussion for future meetings.
7. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

9:05 a.m.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

8. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**
Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]
9. **DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**
Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653]
10. **PENDING LITIGATION**
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v.

Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

11. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.

[Government Code section 18653]

12. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.

[Government Code section 18653]

13. EMPLOYEE PERSONNEL MATTER

Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

10:00 a.m.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

14. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE SEPTEMBER 23, 2008, BOARD MEETING.

15. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

16. SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

A. DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

Staff from PEGC requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PEGC and CalTrans Director Wil Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.

B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

C. STATE EMPLOYEE MEDIATION PROGRAM HEARING

SPB Staff presented different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties were invited to comment.

17. EVIDENTIARY CASES

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 04-1782A

Appeal from constructive medical suspension

Classification: Correctional Counselor I

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 24, 2008.

Transcripts prepared.

Oral argument heard October 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(2) CASE NO. 07-1490

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Case taken under submission at the September 23, 2008 Board meeting.

- (3) **CASE NO. 06-0562**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
Case taken under submission at the October 3, 2008 Board meeting.
- (4) **CASE NO. 06-0817A**
Appeal from dismissal
Classification: Industrial Relations Counsel IV
Department: Department of Industrial Relations
Proposed decision rejected March 25, 2008.
Transcript prepared.
Oral argument set for June 9-10, 2008, Sacramento.
Oral argument continued.
Oral argument heard July 8, 2008, Sacramento.
Case ready for decision by FULL Board.
- (5) **CASE NO. 07-1295A**
Appeal from dismissal
Classification: Fire Apparatus Engineer-Paramedic
Department: Department of Forestry and Protection
Proposed decision rejected on May 13, 2008.
Transcripts prepared.
Oral argument heard September 3, 2008, Sacramento.
Case ready for decision by FULL Board.
- (6) **CASE NO. 06-2897E**
Appeal for whistleblower retaliation complaint
Classification: Staff Services Manager II
Department: California Earthquake Authority
Case taken under submission at the October 3, 2008 Board meeting.

B. ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

NONE

D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS AFTER HEARING

These are ALJ proposed decisions submitted to the Board for the first time.

(1) CASE NO. 08-1615

Appeal from denial of retaliation complaint

Classification: Supervisor of Academic Instruction,
Career Executive Assignment

Department: Department of Corrections and
Rehabilitation

(2) CASE NO. 08-0549

Appeal from non-punitive termination

Classification: Permanent Intermittent Teacher

Department: Department of Corrections and
Rehabilitation

(3) CASE NO. 07-0846

Appeal from rejection during probation

Classification: Fire Apparatus Engineer/Paramedic

Department: Department of Forestry and Fire Protection

(4) CASE NO. 08-0440

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and
Rehabilitation

(5) CASE NO. 08-0257

Appeal from dismissal

Classification: Parole Agent II

Department: Department of Corrections and
Rehabilitation

(6) CASE NO. 07-3855

Appeal from non-punitive termination and whistleblower
retaliation complaint

Classification: Highway Maintenance Worker

Department: Department of Transportation

- (7) **CASE NO. 08-0379**
Appeal from two work days suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (8) **CASE NO. 07-0041**
Appeal from rejection during probation
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 07-1884**
Appeal from six month suspension
Classification: Fish and Game Warden
Department: Department of Fish and Game

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

E. PETITIONS FOR REHEARING

- (1) **CASE NO. 07-3421P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-1579P**
Appeal from 30 calendar day suspension
Classification: Associate Safety Engineer
Department: Department of Industrial Relations
- (3) **CASE NO. 07-0531NP**
Appeal from withhold from certification
Classification: Employment Program Representative
Department: Department of Corrections and Rehabilitation

- (4) **CASE NO. 07-1749P**
Appeal from automatic resignation
Classification: Youth Correctional Officer (Permanent-Intermittent)
Department: Department of Corrections and Rehabilitation
- (5) **CASE NO. 05-3691RP**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 07-3873P**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 06-2706PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 7, 2008.
Transcript prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
Oral argument continued.
Oral argument set for November 3, 2008, Sacramento.
- (2) **CASE NO. 05-4338EA & 05-4339A**
Appeal from denial of reasonable accommodation and constructive medical termination
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
Proposed decision rejected September 23, 2008.
Transcripts prepared.

- (3) **CASE NO. 06-2737PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 22, 2008.
Transcripts prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
Oral argument continued.
Oral argument set for November 3, 2008, Sacramento.
- (4) **CASE NO. 05-3312BA**
Appeal for back pay determination
Classification: Correctional Captain
Department: Department of Corrections and Rehabilitation
Proposed decision rejected October 3, 2008.
Pending transcripts.

18. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 07-3282N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, furnishing inaccurate information and failure to comply with legal obligations.
- (2) **CASE NO. 07-2330N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; personal relationships with inmates.

- (3) **CASE NO. 06-3875N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information, omitting pertinent information and negative employment history.
- (4) **CASE NO. 07-2325N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; submitting false/inaccurate information during selection process.
- (5) **CASE NO. 07-0920N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; Appellant admits to gang association.
- (6) **CASE NO. 07-2355N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to comply with legal obligations.
- (7) **CASE NO. 07-2478N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, furnishing inaccurate information and negative law enforcement contacts.
- (8) **CASE NO. 07-2755N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, omitting pertinent information and negative driving history.

- (9) CASE NO. 07-2752N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history, furnishing inaccurate information and omitting pertinent information.
- (10) CASE NO. 07-3089N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (11) CASE NO. 07-3397N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; omitting pertinent information.
- (12) CASE NO. 07-1921N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; long-term drug use.
- (13) CASE NO. 07-3206N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history.
- (14) CASE NO. 07-1120N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history and termination from employment within one year of applying to the CDCR.
- (15) CASE NO. 07-2131N**
Classification: Youth Correctional Counselor
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information, omitting pertinent information and negative work history.

- (16) CASE NO. 07-5467N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; does Appellant meet the CDCR's minimum education qualifications to participate in the exam process.
- (17) CASE NO. 07-4136N**
Classification: Custodian
Department: Department of Mental Health
Issue: Suitability; negative law enforcement contact and failure to disclose pertinent information.
- (18) CASE NO. 06-3819N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information, omitting pertinent information, an arrest/conviction record, negative law enforcement contacts and a negative driving history.
- (19) CASE NO. 07-1270N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; arrest/conviction record, negative driving history and negative employment history.
- (20) CASE NO. 07-2819N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; gang association and furnishing incomplete/inaccurate information.
- (21) CASE NO. 07-3084N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; arrest/conviction record, negative law enforcement contacts and negative driving history.

- (22) CASE NO. 07-5291N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omission of pertinent information, negative driving history and negative work history.
- (23) CASE NO. 07-5036N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and gang affiliation.
- (24) CASE NO. 07-5272N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
- (25) CASE NO. 07-6023N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; negative driving history and failure to disclose complete and accurate information.
- (26) CASE NO. 07-5267N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; personal relationships with inmates.
- (27) CASE NO. 07-5090N**
Classification: Environmental Planner (Archaeology)
Department: Department of Transportation
Issue: Suitability; whether Appellant met the minimum education qualifications at the time of the exam.
- (28) CASE NO. 08-0984N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history and termination for cause within one year of application.

- (29) CASE NO. 07-2068N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; whether Appellant's name was properly withheld for two DUI convictions.
- (30) CASE NO. 07-5350N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide complete and accurate information and negative law enforcement contact.
- (31) CASE NO. 07-1894N**
Classification: Correctional Counselor I
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; gang affiliation.
- (32) CASE NO. 07-6051N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; failure to comply with his financial obligations and negative work history.
- (33) CASE NO. 06-3915N**
Classification: Associate Governmental Program Analyst
Department: Department of Health Services
Issue: Suitability; Whether Appellant met the minimum experience qualifications to participate in the AGPA exam process.
- (34) CASE NO. 06-3749N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability, hard drug use within ten years of application.
- (35) CASE NO. 07-4443N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information and an arrest/conviction record.

- (36) CASE NO. 06-3844N**
Classification: Associate Governmental Program Analyst
Department: Department of Social Services
Issue: Suitability; whether Appellant met the minimum experience qualifications at the time of the exam.
- (37) CASE NO. 07-1311N**
Classification: Correctional Officer/Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; two Failures to Appear within the last three years.
- (38) CASE NO. 08-1277N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (39) CASE NO. 07-2816N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability: Welfare Fraud.
- (40) CASE NO. 06-3265N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and a negative employment history.
- (41) CASE NO. 07-4046N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to disclose pertinent information, negative law enforcement contacts and illegal drug use.
- (42) CASE NO. 07-4352N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; furnishing inaccurate information.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

CASES HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-1542N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-1287N**
Classification: Cadet
Department: California Highway Patrol
- (3) **CASE NO. 06-2740N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-0989N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (5) **CASE NO. 06-3229N**
Classification: Cadet
Department: California Highway Patrol
- (6) **CASE NO. 07-1224N**
Classification: Cadet
Department: California Highway Patrol

DISMISSED CASES

- (1) **CASE NO. 07-3108N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

NONE

**E. REQUEST TO FILE CHARGES CASES, PETITION FOR
REHEARING**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

REQUEST TO FILE CHARGES CASES

(1) CASE NO. 06-2866N

Classification: A member of the public.

Department: California Department of Rehabilitation

Issue: The charging party requests to file charges against the charged parties for violations of various subsections of Government Code section 19572.

(2) CASE NO. 07-1178N

Classification: Hospital Police Lieutenant

Department: California Department of Mental Health

Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.

19. NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) CHIEF, WOMEN, INFANTS AND CHILDREN (WIC) NUTRITION DIVISION

The California Department of Public Health proposes to revise the existing CEA allocation. The Chief, WIC Nutrition Division, is responsible for program planning, policy formulation, and program evaluation and organization for approximately 15 nutrition programs. This position is responsible for the development and

implementation of processes and procedures to meet all federal and state requirements for nutrition programs.

(2) ASSISTANT DEPUTY DIRECTOR, AUDITS AND INVESTIGATIONS

The Department of Health Care Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Audits and Investigations, is responsible for managing and directing statewide auditing and investigation activities to preserve the integrity of California's Medi-Cal program. This position will develop and implement policies and practices that achieve Audits and Investigations' goals of improving efficiency, economy, and effectiveness of the Department and the programs it administers.

(3) CHIEF, COMPLIANCE REVIEW DIVISION

The Employment Development Department proposes to abolish the above existing CEA allocation. The Program Review Branch is consolidating the Compliance Review Division (CRD) into the Audit and Evaluation Division. This consolidation will downgrade CRD to an office as a division-level can no longer be justified or supported.

(4) CHIEF, AUDIT AND EVALUATION DIVISION

The Employment Development Department proposes to revise the above existing CEA allocation. The Chief, Audit and Evaluation Division, has a critical role in the development of program policy relating to the performance of audits and evaluations, which ultimately have a statewide impact on EDD's programs. The Chief, Audit and Evaluation Division will assume responsibility for the newly created Compliance Review Office.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) DIRECTOR OF EMERGING PLANT PESTS AND DISEASES

The Department of Food and Agriculture's request to allocate the above position was approved effective October 3, 2008.

- (2) DEPUTY DIRECTOR, CONSERVATION PLANNING AND WATER RESOURCES DIVISION**
The California Department of Fish and Game's request to allocate the above position was approved effective October 3, 2008.
- (3) DEPUTY DIRECTOR, WILDLIFE AND FISHERIES MANAGEMENT DIVISION**
The California Department of Fish and Game's request to allocate the above position was approved effective October 3, 2008.
- (4) DIRECTOR, REGULATIONS AND POLICY MANAGEMENT**
The California Department of Corrections and Rehabilitation has withdrawn the above request.
- (5) CHIEF OF PROGRAM ACCOUNTABILITY**
The California Department of Forestry and Fire Protection's request to allocate the above position was approved effective October 3, 2008.
- (6) ASSISTANT DEPUTY DIRECTOR**
The California Department of Developmental Services' request to allocate the above position was approved effective October 3, 2008.
- (7) VICE PRESIDENT OF PROGRAMMING**
The California Department of Food and Agriculture's request to allocate the above position was approved effective October 3, 2008.
- (8) VICE PRESIDENT OF OPERATIONS**
The California Department of Food and Agriculture's request to allocate the above position was approved effective October 3, 2008.
- (9) ASSISTANT PROGRAM BUDGET MANAGER**
The California Department of Finance's request to allocate the above position was approved effective October 3, 2008.
- (10) REGIONAL COMMUNITY PROGRAM ADMINISTRATOR (REGIONS 1, 2, 3, 4, 5, 6, 7) (7 POSITIONS)**
The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.

(11) CHIEF DEPUTY, FIELD OPERATIONS

The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.

(12) CHIEF, HEARING OPERATIONS, NORTHERN REGION

The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.

(13) CHIEF, HEARING OPERATIONS, SOUTHERN REGION

The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.

(14) SPECIAL ADVISOR, TRANSITION TEAM

The Department of Corrections and Rehabilitation, Plata Medical Services' request to allocate the above position was approved effective October 3, 2008.

(15) CHIEF, BUDGET & FISCAL ANALYSIS BRANCH

The Department of Motor Vehicles' request to allocate the above position was approved effective October 3, 2008.

(16) CHIEF, FINANCIAL SERVICES BRANCH

The Department of Motor Vehicles' request to allocate the above position was approved effective October 3, 2008.

ADJOURNMENT